

PATENT
Serial No. 10/511,804
Amendment in Reply to Office Action mailed on May 18, 2006

IN THE DRAWING

Please add new FIG 1 as shown in the enclosed New Sheet of drawing.

PATENT
Serial No. 10/511,834
Amendment in Reply to Office Action mailed on May 18, 2006

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REMARKS

AUG 16 2006

This Amendment is being filed in response to the Office Action dated May 18, 2006. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the claims have been amended for better clarity, including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that the title of the invention was not sufficiently descriptive, and required a new title. In response, the current title has been deleted and substituted with a new title in accordance with the Examiner's suggestion.

In the Office Action, the Examiner required a drawing. In response, a New drawing sheet including new FIG 1 is enclosed. Further, the specification has been amended for conformance with

PATENT
Serial No. 10/511,804
Amendment in Reply to Office Action mailed on May 18, 2006

the new FIG 1. Applicants respectfully approval of the enclosed proposed new drawing.

In the Office Action, the Examiner objected to the specification for lacking headings. Applicants respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a). Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claims 5-7 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. In response, claim 5 has been amended to remove the informality noted by the Examiner. It is respectfully submitted that the rejection of claims 5-7 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1, 4-6 and 8 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Patent Abstracts of Japan, Publication No. JP 54-124583 (Noboru) which is allegedly the admitted prior art. Further, claims 1-5 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Patent Abstracts of Japan, Publication No. JP 60-003849 (Takatsu). Claims 6-7 are rejected under 35 U.S.C. §102(b) as allegedly unpatentable over Noboru in view of U.S. Patent No. 5,512,798 (Honda). It is

PATENT
Serial No. 10/511,804
Amendment in Reply to Office Action mailed on May 18, 2006

respectfully submitted that claims 1-20 are patentable over Noboru, Takatsu and Honda for at least the following reasons.

At the outset, it is respectfully submitted that Noboru does not appear to be Applicants' admitted prior art; rather U.S. Patent No. 5,808,407 is Applicants' admitted prior art. Noboru is directed to manufacture of fluorescent lamp where a slurry binder containing aluminium phosphate is dispersed in a solution of fluorescent substance. No reference is made about the size of any particles. Further, there is no teaching or suggestion related to filling any gaps or pores between the fluorescent substance. Rather, Noboru is merely concerned with having a binder in order to increases the binding strength of the coated film of the fluorescent substance.

Takatsu is directed to a metal vapor discharge lamp including luminous metal halogenide. A translucent film 3 mainly composed of aluminum phosphate, titanium oxide, aluminum oxide is formed on the inner surface of the luminous tube 1 made of quartz. The translucent film 3 suppresses reaction between the metal halogenide and quartz tube wall. Takatsu is completely silent about having a mixture or screen including both luminescent material embedded in

PATENT
Serial No. 10/511,804
Amendment in Reply to Office Action mailed on May 18, 2006

an inorganic material, as recited in independent claims 1, 11, 14 and 19, let alone teaching or suggesting luminescent material embedded in the inorganic material, as recited in independent claim 1.

It is respectfully submitted that Noboru, Takatsu, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1 which specifically requires (illustrative emphasis provided) :

particles of luminescent material embedded in an inorganic material ... wherein a diameter of the particles of luminescent material is greater than a diameter of inorganic particles of the aluminium phosphate.

Further, it is respectfully submitted that Noboru, Takatsu, and combination thereof, do not teach or suggest the present invention as recited in independent claim 11, and similarly recited in independent claims 14 and 19 which, amongst other patentable elements, specifically requires (illustrative emphasis provided) :

inorganic material having inorganic particles including aluminium phosphate;
wherein the inorganic particles are smaller than the luminescent particles so that the inorganic particles fill pores between the luminescent particles.

PATENT
Serial No. 10/511,804
Amendment in Reply to Office Action mailed on May 18, 2006

These features are nowhere taught or suggested in Noboru and Takatsu, alone or in combination. Further, Honda is cited in rejecting dependent claims 6-7 for allegedly showing other features and does not remedy the deficiencies in Noboru and Takatsu. Accordingly, it is respectfully submitted that independent claims 1, 11, 14 and 19 should be allowable. In addition, claims 2-10, 12-13, 15-18 and 20 should be allowable at least based on their dependence from independent claims 1, 11, 14 and 19.

Claims 6-7 and 17-18 also include patentable subject matter, since Noboru, Takatsu, Honda, and combinations thereof, do not teach or suggest a top layer formed over the luminescent screen, as recited in claim 6 and 17, or that the top layer comprises a compound chosen from the group formed by yttrium oxide, yttrium-strontium-borate and aluminium oxide, as recited in claim 7 and 18.

Rather, Honda merely teaches (e.g., as shown in FIG 1B) an insulating layer 5 formed over a conductive layer 4 to protect the conductive layer. A phosphor layer 6 is formed over the insulating layer 5. This teaching of Honda is diametrically opposite forming a top layer over the luminescent screen, as recited in claim 6 and 17. Accordingly, Honda teaches away from the present invention as

PATENT
Serial No. 10/511,804
Amendment in Reply to Office Action mailed on May 18, 2006

recited in claim 6 and 17. Further, forming the top layer from yttrium oxide or yttrium-strontium-borate, as recited in claim 7 and 18, is nowhere taught or suggested in Honda.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no official notices are conceded.

It is believed that no additional fees or charges are currently due beyond the Request for Continued Examination (RCE) fee to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to

PATENT
Serial No. 10/511,804
Amendment in Reply to Office Action mailed on May 18, 2006

Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Attorney for Applicant(s)
August 16, 2006

Enclosure: New drawing sheet (1 sheet including FIG 1)
Authorization to charge credit card \$200 for one
independent claims in excess of three (i.e., four
total independent claims)

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